IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 19107 of 2002(Y)

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PETITIONER:

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ATHIKKAL MUHAMMED KUNHI, AGED 55 YEARS,
S/O.SULAIMAN, RAMANTHALI AMSOM, ETTIKULAM,
DESOM, P.O.RAMANTHALI, TALIPARAMBA TALUK.

BY ADV. SRI.M.V.AMARESAN
SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

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1. DISTRICT REGISTRAR(GENERAL),
KANNUR AT THALASSERRY.

2. THE DISTRICT COLLECTOR, KANNUR.

3. SPECIAL DEPUTY TAHSILDAR (RR),
TALIPARAMBA.

4. VILLAGE OFFICER, RAMANTHALI.

BY G.P. SMT.SMITHA SUKUMARAN FOR R1TO4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON 27/11/2007 DELIVERED THE FOLLOWING:

ORDER ON CMP NO.32707/2002 IN O.P. NO.19107/2002

DISMISSED:

27.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF DEMAND NOTICE CUM FORM 10 DT.8.6.2001 SERVED BY R3 TO THE PETITIONER U/S.7 OF THE R.R. ACT.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.19107 of 2002

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Dated this the 27th day of November, 2007.

JUDGMENT

The O.P. is filed five years back challenging recovery proceedings for recovery of differential stamp duty based on alleged undervaluation in the document. Even though counter affidavit was filed, no adjudication order is produced by respondents justifying the recovery. In the circumstances, the first respondent is directed to issue a fresh notice, hear the petitioner's objections and complete adjudication within two months from date of receipt of copy of this judgment. The petitioner will produce copy of this judgment before the first respondent and co-operate in the enquiry for completion of adjudication in time. Recovery proceedings will be kept in abeyance until orders are issued as above. Fresh orders will substitute impugned proceedings. If petitioner does not co-operate with enquiry, recovery could be continued under the present orders after expiry of the time stated above.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms